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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/490,983 | 01/24/2000 | Mitsuru Adachi | 960253CIP/HG | 7883 |

7590 03/26/2002
Frishauf Holtz Goodman Langer & Chick PC
767 Third Avenue
New York, NY 10017-2023

| | |
|---------------|--------------|
| EXAMINER | |
| LIN, ING HOUR | |
| ART UNIT | PAPER NUMBER |

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/490,983

Applicant(s)
Adachi et al

Examiner
Ing-Hour Lin

Art Unit
1722



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jan 24, 2000

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-57 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claims 1-57 are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

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Part III DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-15, 30-39, 41 drawn to a method of shaping a semisolid metal comprising crystal nuclei and to apparatus for producing semisolid metal, classified in Class 164, subclass 71.1.

Group II. Claims 16-29, 42 drawn to a method of shaping a semisolid metal comprising aging by using a holding vessel and to apparatus for producing semisolid metal, classified in Class 148, subclass 548.

Group III. Claims 42-57 drawn to a method of shaping a semisolid metal comprising a crystal grain refiner, classified in Class 164, subclass 76.1.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions Groups I-III are related to different processes for its practice. The inventions are distinct because the method of producing semisolid metal, comprising : crystal nuclei in Group I; heat treatment using a holding vessel being adapted

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to be heated or cooled from the inside or outside thereof in Group II; and a crystal gain refiner in Group III.

3. Because these inventions are distinct for the reasons given above and have required a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. A telephone call was made to Mr. Richard S. Barth (Reg. No. 28,180) on March 25, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.
5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner I.-H. Lin whose telephone number is (703) 308-3442.

Any inquiry of a general nature or relating to the status of

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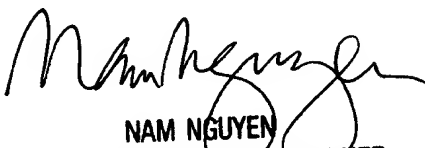
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this application should be directed to the Group receptionist
whose telephone number is (703) 308-0651.

I.-H. Lin *IHL*

March 25, 2002


NAM NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700